



Energy and Telecommunications Interim Committee

66th Montana Legislature

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December 23, 2019

To: Energy and Telecommunications Interim Committee
From: Sonja Nowakowski, Legislative Services Division

The 2019 Montana Legislature passed and approved House Bill No. 150 (Chapter 172, Laws of 2019). The bill revised Montana's 9-1-1 laws to provide for tribal government participation in the 9-1-1 program, including planning activities, quarterly 9-1-1 distributions, and competitive 9-1-1 grant distributions. Throughout the 2019 session, the bill was amended multiple times to address proposals to extend termination dates for specific funding distributions that were planned to end in 2019. Most of those amendments were later removed from the legislation.

During the drafting process, however, Section 9 (10-4-306, MCA) of the bill was inadvertently included in sections that were set to terminate October 1, 2019. Section 9 of the bill extended Montana's 9-1-1 grant eligibility list to include tribal governments that host a 9-1-1 program. Because of the drafting error, tribal governments are no longer eligible for 9-1-1 grant money. They remain eligible for regular 9-1-1 distributions. Because of the drafting error, tribal governments were only eligible for 9-1-1 grants from April 19, 2019 until October 1, 2019 – which was not the intent of the amended section.

The Montana Code Annotated includes a compiler's comment stating, "Because of the temporary nature of the changes made by sec. 9, Ch. 172, L. 2019, the code commissioner did not codify the amendment to this section. However, the title and text of the bill indicate that the 2019 amendment to this section was potentially unintentionally terminated by sec. 18, Ch. 172, L. 2019." However, the current law still does not allow for tribal participation in the grant program.

The 9-1-1 Advisory Council met in December and requested staff reach out to the Energy and Telecommunications Interim Committee and ask the committee to consider proposing a cleanup bill in 2021 to address the drafting error. The legislation would be specific to the error and only address the improper termination date. A potential draft for your review is attached.

Thank you for your consideration.

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**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act providing for tribal government participation in the 9-1-1 grant program; amending section 10-4-306, MCA; and providing an immediate effective date and a retroactive applicability date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-4-306, MCA, is amended to read:

"10-4-306. 9-1-1 grants. (1) The department shall, in consultation with the 9-1-1 advisory council created pursuant to 10-4-105, award competitive grants annually using the account established pursuant to 10-4-304(2)(b) for private telecommunications providers and for local and tribal government entities that host public safety answering points. Beginning July 1, 2018, grants must be awarded to private telecommunications providers, or to local or tribal government entities that host public safety answering points, or ~~both to all~~ in accordance with this section and with rules adopted by the department in accordance with 10-4-108.

(2) In accordance with subsection (3), grants may be awarded to private telecommunications providers and to local or tribal government entities that host public safety answering points for:

- (a) emergency telecommunications systems plans;
- (b) project feasibility studies or project plans;
- (c) the implementation, operation, and maintenance of 9-1-1 systems, equipment, devices, and data; and
- (d) the purchase of services that support 9-1-1 systems.

(3) In awarding grants, preference must be given to applications in the following order of priority:

(a) requests by private telecommunications providers or by local or tribal government entities that host public safety answering points by working with a private telecommunications provider; and

(b) requests by local or tribal government entities that host public safety answering points.

(4) Nothing in this section prevents a local or tribal government entity that hosts a public safety answering point in accordance with this section from:

(a) providing grant money received by the local government entity to a private telecommunications provider for 9-1-1 purposes; or

(b) collaborating with another local or tribal government entity on a joint grant application."

{ *Internal References to 10-4-306:*

10-4-106x	10-4-107x	10-4-107x	10-4-108x
10-4-201x	10-4-304x		

NEW SECTION. **Section 2.** {standard} **Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. {standard} Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to grants awarded by the department on or after April 19, 2019.

- END -

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